

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:05CV61**

<b>THERON MULLINAX, Guardian ad</b>	)	
<b>Litem for George Howard McElrath,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	
	)	
<b>ROBERT G. WARREN, and wife,</b>	)	
<b>VIKI B. WARREN, and MOUNTAIN</b>	)	
<b>TOP FARMS, L.L.C.,</b>	)	
	)	
<b>Defendants,</b>	)	
	)	
<b>And</b>	)	<b><u>ORDER OF DISMISSAL</u></b>
	)	<b><u>AND</u></b>
	)	<b><u>ORDER OF REMAND</u></b>
<b>UNITED STATES OF AMERICA, and</b>	)	
<b>CENTRAL CAROLINA BANK,</b>	)	
	)	
<b>Intervenor-Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on motion of the Plaintiff and Intervenor-Defendants to dismiss and to remand this action to the Superior Court of Henderson County, North Carolina. Although Plaintiff's counsel advises that the Defendants object to this motion, no responses have been filed. Therefore, the Court grants the requested relief.

For the reasons stated in the motion and for cause shown,

**IT IS, THEREFORE, ORDERED** that the motions of Plaintiff and the Intervenor-Defendants to dismiss and to remand are **ALLOWED**, and the United States of America and Central Carolina Bank (now SunTrust Bank) are hereby **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41.

**IT IS FURTHER ORDERED** that this matter is hereby **REMANDED** to the General Court of Justice, Superior Court Division of Henderson County, North Carolina.

Signed: April 17, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

